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ABSTRACT

The paper examines the surrogate parent program at Forest Haven, the District of Columbia's institution for the mentally retarded. The program provides seven major services among which are its function as an advocate for educational, court, and other personal programing and as a monitor of the educational placement of clients. Problems in the program include lack of understanding of the surrogate parent role by staff, interdepartmental conflicts, and misunderstanding of the heavy involvement required of a surrogate parent. Appended are a list of agency and surrogate responsibilities, the criteria for the selection of surrogate parents, and a description of the role of the surrogate parent. (PHR)

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THE DEVELOPMENT AND IMPLEMENTATION OF SURROGATE PARENT SERVICES

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Introduction

Until recently the life of the mentally retarded child was often one of forgotten existence hidden behind the closed doors of an institution, far removed from the general population of so called "normal" people. With the passage of Public Law 94-142, the public has begun to open their eyes to these forgotten members of society, in efforts to bring greater equality in the educational services rendered to handicapped children and their non-handicapped counterparts.

The concept of the surrogate parent role was developed to protect the educational rights of handicapped children whose legal guardianship is entrusted to a state. As ward of a state, the physical and educational well being of these children are provided for by a government agency. Having the responsibility of the educational programming for these children as a primary function, it is impossible for these government agencies to simultaneously monitor the adequancy and appropriateness of the educational services they provide with impartiality. Therefore, an impartial person or group was needed to insure that handicapped children who were designated wards of a state, would receive the appropriate education and related services they are entitled to as mandated by P.L. 94-142. P.L. 94-142 has established basic guidelines delineating the roles and responsibilities of the state agency, criteria for selection, and the roles and responsibilities of the surrogate parent. The major features of the surrogate parent concept are as follows:

Agency Responsibilities:

1. Appoint surrogate parents to protect the rights of a handicapped child when no parent can be identified or located, or when the child is a ward of the state.

2. Determine whether a child needs a surrogate parent and assign the surrogate parent to the child.

Rights and Responsibilities of Surrogate Parents:

1. Surrogate parents may represent a child in all matters relating to: identification, evaluation, educational placement, the provision of a free appropriate education.

2. Surrogate parents are entitled to all due process rights and procedural safeguards afforded natural parents of handicapped children.

A detailed comparison of the roles and responsibilities of the surrogate parent and the agency as delineated by the Arkansas Surrogate Parent Program can be seen in the appendix (Table 1).

The advent of any new law is followed by a myriad of interpretations despite the attempts of lawmakers to clearly define, describe, and outline the parameters of their intentions. Due to a variety of legal interpretations, there are also a variety of methods of implementation. Implementation of a particular facet of the law can be impeded if the concept presented in the law is new and unfamiliar, or if it threatens to drastically alter the existance of a long established method, policy or institution. In close examination of the surrogate parent concept, one finds that those currently trying to implement this aspect of the law are often faced with difficulty and opposition. For most people the term surrogate parent is unknown, of those who are familiar with the term, they have seen it only in passing when reading the highlights of P.L. 94-142, and really do not know what the role of the surrogate

parent entails. In the United States today, there are only a few formally organized surrogate parent programs. The original program was developed in Little Rock, Arkansas, and currently there is a program in Washington, D.C. This paper endeavors to examine the program in existence in Washington, focusing on the nature of the program and some of the problems it faces.

The D.C. Surrogate Parent Program

A large portion of the District of Columbia's mentally retarded population reside at Forest Haven, an institution located in Laurel, Maryland. Of the school aged residents who live at Forest Haven, many are left there by their parents who wish to relinquish their natural guardianship. These children were then destined to become wards of the District of Columbia. Due to the nature of the District's status in regard to statehood, these children came under the direct supervision of the Department of Human Resources. Due to a court order to comply with P.L. 94-142, in reference to providing surrogate parents for their handicapped children without natural or adoptive parents, D.H.R. set out to formally establish a means of furnishing surrogate parents to those individuals who needed them. In an effort to achieve compliance, while adhering to the stipulations of the law stating that the agency that provides the educational services, cannot have their employees act as parent surrogates because of conflict of interest, D.H.R. contracted a private educational agency to develop an effective surrogate parent program for the residents of Forest Haven.

Based on the criteria established by P.L. 94-142, the D.C. State Plan, and the need for minimum standards to insure that the surrogate parent possessed sufficient knowledge to adequately judge the appropriateness of the educational program of a client, a criteria of selection for surrogate parents was established (see Table 2). The majority of the people selected to act as surrogate parents, to the Forest Haven residents, were special educators in the Washington Metropolitan area. The program was established that these educators would be hired as consultants to serve the clients of Forest Haven on a part-time basis as the need arose. Each surrogate would be assigned a minimum of two clients with a maximum case load of ten. It was estimated that the surrogate parent would be needed to monitor a given child's educational program, an average of 3-6 times per year. The primary function of the surrogate parent is to act as a child advocate. Within this role, seven major services are rendered by the Surrogate Parent Program. These services are listed below:

1. Serving as advocate of client for educational, court, and other personal programming;

2. Serving as surrogate parent of client through the participation in educational programming development (i.e., assessment, Interdisciplinary Team Conference planning, and educational placement);

3. Monitoring educational placement of clients;

4. Periodic review of client's educational achievement, re: Individual Educational Plan (IEP);

5. Recommending changes in the client's educational program;

6. Implementing the Due Process procedures when agreement cannot be reached with D.H.R. with regard to client's program; and

7. Engaging the services of appropriate experts and legal counsel to implement the Due Process hearing.

The role of the surrogate parent is not an easy one because it involves utilizing the knowledge of a good special educator, in-depth knowledge of P.L. 94-142, insight into the nature of residential living and governmental bureaucracy, good public relations, investigative abilities, a high tolerence for intimedation, patience, persistence, and the conviction and committment of a parent interested in obtaining nothing less than the best for her child's education. The role of the surrogate parent serving the clients of Forest Haven have been clearly defined for the people filling the role (see Table 3). Along with this, an intense inservice workshop was given to further delineate and clarify some of the pitfalls and problems that would face the surrogate parent in the field. However, the extent of the involvement that the job requires cannot be fully realized until the surrogate parent begins investigation into the case history and educational needs of his child.

As a rule all contacts are initiated and set up with Forest Haven through the Surrogate Parent Program Project Director. After an agreed meeting has been set up, the surrogate goes out to Forest Haven to review the child's records and/or meet the child. Many of the residents of Forest Haven have been there since birth and the records are extensive, requiring many hours of in-depth searching, to obtain pertinent information about the child's educational needs. However, the opposite is also true, sometimes the records are meager, incomplete or non-existent, and the surrogate may need to do additional research to get the information needed to best represent a client.

For the most part, the surrogate parent is met with reluctance by the institution staff because they are uncertain about the role, yet they realize the legal clout that the surrogate has. Therefore, it is important for the surrogate to exercise good public relations when dealing with the institution staff--assuring them that surrogates are interested in working together with the institution to increase the quality of the services to children.

Usually after reviewing the records and/or seeing the child, it is necessary to talk to the program director or staff members to gain further clarification about a client's case. After each visit is made a detailed report is made including the following information:

Review of Records:

- educational test administered
- test results
- educational placement

- special notations
- restrictions
- I.E.P. information

Review of the Client:

- where the client was observed
- what the client was doing
- interactions with peers and staff
- strengths and weaknesses observed
- description of the client

Also included in the report is a summary of the child's case and what follow-up is needed (i.e., visit child's school if in a special day program, request meeting with O.T., request further testing, write letter indicating dissatisfaction about current placement, etc.) The report is turned in to the Surrogate Parent Project Director and is kept in the child's folder in the program office.

If after the review of the records and observation of the child, the surrogate is satisfied with the child's educational program, the surrogate need only to monitor the child's progress periodically during the year. However, if the surrogate is dissatisfied with the child's program, or feels that additional assessment is necessary to adequately determine a child's educational needs, then the surrogate must attempt to work with the institution to get the information and/or programs for the client. If the surrogate parent and the institution cannot come to an agreement, then the surrogate should institute due process proceedings.

Existing Problems of the Surrogate Parent Program

The existing Surrogate Parent Program in Washington, D.C. has been successful in bringing about some long needed changes in the education

of the institutionalized mentally retarded child. However, the program faces many obstacles in reaching the maximum success it endeavors. Problems occuring with the Surrogate Parent Program arises in three major areas: (1) working with the institutions and affiliate programs, (2) working with the Department of Human Resources, and (3) working with the surrogate parents. The nature of these problems will be discussed in further detail to give a greater understanding of all of the circumstances involved in the implementation and operation of the Surrogate Parent Program.

Problems Working With Institutions and Affiliate Programs

The least restrictive environmental component is one of the major features of P.L. 94-142 that school systems and educational institutions are working diligently to comply with. The law states that to the maximum extent possible, handicapped children should be educated with their non-handicapped peers (sect. 121a. 550). With this in mind, Forest Haven has been making massive attempts to move their residents to less restrictive environments, such as foster homes, group homes in the community, and public day schools. The Forest Haven Personnel who have had direct contact with the Surrogate Parent Program, are just beginning to comprehend the role of the surrogate parent and its value. With the increase in the number of placement sights for residents who have surrogate parents, there is also an increase in the number of people who do not fully understand the role of the person who presents themself as a surrogate parent.

A problem that often arises is that the surrogate parent is confused with a foster parent, and there is a distinct difference between

the two roles. When a child becomes a ward of a state he is often placed with foster parents who receive payment for his care while he is in their home. The child remains in the home until a disposition occurs which may include adoption, institutionalization or the child may remain in the foster homes until he reaches legal age (Quick, Little, and Campbell, 1973). A foster parent provides for all of the child's needs, however, foster parents cannot represent the child in educational matters. A foster parent cannot be a foster parent and a surrogate parent at the same time. It is felt that since the state is paying the foster parents to care for the child, they are employees of the agency providing the educational services, and would therefore be in conflict of interest if they took on surrogate parent responsibilities. Also, the foster parents usually lack the professional qualifications needed to be a surrogate parent. In all matters pertaining to educational programming for a handicapped child who is in a foster home, it is the surrogate who must be contacted and must give their consent, not the foster parents. However, most schools and foster parents are unaware of this fact.

For those children who are living in community group homes, the director of the home usually has prime responsibility for insuring that the child has appropriate educational services, and if any questions or problems arise concerning the child's education, the institution representative is usually contacted and not the surrogate. The home may be unaware of the surrogate's existence, however, if they are aware of a surrogate parent, the only contact they feel is necessary are those initiated by the surrogate. Along with a lack of knowledge of the role of the surrogate parent, many of the personnel the surrogates may be in

contact with in seeking services for their client, are unfamiliar with the law, particularly the parts pertaining to procedural safeguards and parent participation (subpart E and sec. 121a.345).

Another problem that arises in working with residential institutions is that for a long time the states felt that if they constructed elaborate facilities and removed the retarded from society, all that was required was the provision of custodial care (Kott, 1971). Although this was the prevalent notion of the early 1900's, in actuality there has not been much significant change in the practices of existing state institutions. State residential facilities today possess educational programming for some of their school age residents, however, the majority of the personnel are non-professional or lack all of the qualifications necessary to be licensed in the role they function in.

> About 11 percent of the 90,000 persons employed in public institutions for the mentally retarded are classified as professionals. Most of these are teachers and nurses. Fewer than 2 percent of all institution personnnel are classified as psychiatrists, psychologists, and social workers....Those listed as psychologists, social workers, and teachers often have not completed standard educational programs, although most probably have an undergraduate degree of some sort; particularly those listed as physicians, dentists and teachers cannot be assumed to meet standards required for working in the community (Butterfield, 1971).

These substandards are still in existence at Forest Haven today. The difficulty arises for the surrogate parent when she/he realizes that a client requires specialized educational programming and the personnel who are responsible for its implementation lack the training and the qualifications to do so effectively. In addition, any educational

follow-up that is needed, is usually carried out by attendents because they are the primary care givers and spend the most time with the residents, yet they are the least qualified to provide services to handicapped children (Butterfield, 1971).

Since the role of the surrogate parent is defined in terms of educational services, many surrogates find it difficult to make residential personnel understand the significant interrelationship of medical factors in the education of the more severly mentally retarded child. The surrogate parent is often told inquiring about the type of medication a child is on, is outside of the realm of their role, even if the medication is impeding the child's educational performance.

Problems Working With the Department of Human Resources

The District of Columbia provides a wide variety of Special Education and related services to handicapped children and youth. The responsibility for providing services is shared by two major agencies of the District of Columbia Government. The District of Columbia Board of Education is responsible for providing education and the Department of Human Resources is responsible for providing what medical, identification and thereapeutic services are offered. In providing these services there is some overlap in responsibility since both the Public Schools and Human Resources provide some of the same kinds of services. (D.C. State Office for Special Education)

Due to the nature of the type of handicapping conditions of the mentally retarded residents of Forest Haven, the Department of Human Resources provides the educational programming for these children rather than the District Public Schools. However, several problems develop with this arrangement. First of all, the District of Columbia Public Schools and D.H.R.'s standards for hiring educational personnel are different. The school system has definite standards for hiring specific

kinds of professional personnel, however, D.H.R. hires the educational personnel to staff Forest Haven according to government ratings, rather than professional qualifications. Therefore, a person with a certain G.S. rating may be employed in a position even if he lacks the necessary training and experience for the job. It is highly probable that this same person would be unqualified to teach or function in the same capacity serving handicapped children in the District of Columbia Public Schools. The surrogate parent whose child is still in the educational program at Forest Haven is likely to be faced with a long and drawn out battle trying to obtain quality education for their client.

A significant problem which has begun to effect the quality of the Surrogate Parent services rendered is the bureaucratic red tape involved in getting the money funded for the Surrogate Parent Program in the hands of the surrogates and other project personnel. D.H.R. will not allocate money for the surrogate parents on a projected or a regular basis. The forms and documentation of the services must be submitted before the process needed to secure payment can begin. The process usually takes anywhere between two to six months and sometimes even longer. Therefore, the surrogates cannot rely on a steady income and there is often uncertainty about whether payment will ever be forthcoming. This has cost the program several good surrogates and it has also decreased the quality and the enthusiasm of some of the surrogates who remain. Presently D.H.R. is in the process of trying to obtain a court ruling so that they do not have to pay for the surrogate parents' salary. They propose to continue to contract for the Surrogate Parent Program, however, they would only pay the project director and office staff

salaries. The surrogate parents would be encouraged to volunteer their services. It is felt that D.H.R. is attempting to alter their contractual agreement because the surrogate parents have been very effective in doing their job. In doing so they have cost D.H.R. a lot of money by demanding that they provide appropriate services for Forest Haven's residents, something which they have failed to do in the past. In addition, several of the surrogates have initiated due process proceeding against D.H.R. because they have failed to provide a free and appropriate education for their clients.

Problems Working With Surrogates

A crucial factor in the success of any program is the nature and committment of the service providers, the people who implement the program. Within the Surrogate Parent Project there are problems that exist between the agency and the surrogates which decrease the quality and effectiveness of the representation of their clients.

The surrogate parents are hired with the understanding that they can hold a full time teaching job and serve as an effective surrogate because their services are utilized only a few times during a year. This is false, especially since the initial research into the background of the client may take several sessions, and if the placement is found to be inappropriate, a great deal of time is required to secure the type of placement best suited to the child's needs. After the correct placement and an appropriate I.E.P. is developed, then the surrogate may only need to monitor the child's program several times a year. However, in most cases, surrogate parents feel the need to monitor their client's

program on a more frequent basis to insure that it is being properly implemented.

The turn over rate of surrogate parents is high because many find that it requires more time than they expected and can give, and they can't rely on the income for the services they deliver. The surrogate who is deligent in his/her duties is rewarded with an increase in case load, regardless of whether a minimum load was requested. This is done to increase utilization of the surrogates expertise, while helping to pick up the slack of the surrogates who have resigned. However, what this actually does is decrease the quality and effectiveness of the services the surrogate renders to each client, and it may also cause the surrogate to relinquish his/her position.

Summary

The Surrogate Parent Program serving the residents of Forest Haven has the potential of facilitating tremendous progress in the education of the District of Columbia's mentally retarded youth. However, before it can reach its maximum effectiveness, much time and consideration must be taken to find solutions to the problems which are currently impeding its success.

Appendix

Table 1

Agency and Surrogate Responsibilities

IDENTIFICATION

What are the agency's responsibilities?

- To locate all handicapped children.
- To provide you a written notice explaining what the agency proposes to do.
- To explain or further clarify items in the written notice that you may not understand.
- To secure parental consent in writing before going on to the evaluation/assessment process.

Whate are your responsibilities?

- To read the notice carefully.
- To ask questions on terms, statements and items that you do not fully understand.
- To sign the parental consent for the evaluation/assessment process only after you are sure you understand all items fully.
- To communicate and cooperate with the agency, to insure that cooperative efforts will lead to an appropriate education for your child.

EVALUATION

What are the agency's responsibilities?

- To secure your informed consent after advising you of all the procedures, tests and other activities that will be used to evaluate your child.
- To conduct formal and informal assessments or to arrange for the assessments to be conducted by individuals who are qualified under Arkansas State standards.
- To compile all existing information regarding your child.
- To inform you of the evaluation results and what they mean for the educational planning of your child. (This might be done at a placement committee meeting which is explained following evaluation/assessment.)

- To show you all your child's education records upon request (within 45 calendar days of your request or before the placement committee meeting).

What are your responsibilities?

- To provide informed, written consent for the evaluation only after you fully understand the procedures and tests that are to be used with your child.
- To provide any information about your child that may be helpful to the agency.
- To review all existing education records on your child to learn what information has already been documented.
- To participate actively with the agency to compile all information possible and to learn the results of the evaluation/assessment process.

What are the alternatives if you disagree with the agency?

- Request another evaluation to be provided by the agency at their expense.
- If the agency refuses to comply with your request, request another notice as to why they refused, and then decide if you need to request a due process hearing, or,
- Secure a list of free and/or low cost services available in your area from the agency and secure an independent evaluation, the results of which the agency must use in the placement and programming decision.

PLACEMENT

What are the agency's responsibilities?

- To compile all evaluation results and to explain those results to you.
- To have a committee of persons meet with you to determine the eligibility of your child for special education and related services, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options.
- To present information at the meeting from a variety of sources, including aptitude and achievement tests, teach recommendations, physical conditions, cultural or social background and adaptive behavior of your child.

- To use the Arkansas procedures in the determination of eligibility for your child for special education and related services.
- To consider the results of an independent evaluation if you have had one completed.
- To determine if your child is eligible for special education and related services.
- To explore alternatives available or needed that would provide the special education and related services that are needed for your child.
- To make a recommendation for placement into a program for your child.
- To invite your participation in the committee process by arranging a mutually agreed upon time and place for the committee meeting.
- To secure your informed consent before your child is placed into a special education program.

What are your responsibilities?

- To participate actively with other memebers on the placement committee meeting.
- To be fully informed about each test and procedure used and the meaning of the results.
- To assist the placement committee to explore options for placement that conform to the existing state and federal legislation.
- To approve the placement of your child into a special education program only when you can provide informed consent.

What are the alternatives if you disagree with the agency?

- To work cooperatively with the agency to arrange an appropriate placement for your child.
- To ask advice from professionals you respect to help you decide if the placement is correct or to confirm your effort to find a more appropriate placement.
- To secure a notice of refusal from the agency stating why they are refusing the placement you recommend.
- To request a due process hearing if you and the agency are not able to agree on the appropriate placement.

Taken from the Arkansas Surrogate Parent Manual

Table 2

CRITERIA FOR SELECTION OF SURROGATE PARENTS

Contract Criteria

1. Minimum of a Bachelor's degree in Special Education.

2. Experience with the education of the mentally retarded.

Public Law 94.142 Criteria

"Criteria for selection of surrogates.

(1) The public agency may select a surrogate parent in any way permitted under state law.

(2) Public agencies shall insure that a person selected as a surrogate:

(a) has no interest that conflicts with the interests of the child he or she represents; and

(b) has knowledge and skills, that insure adequate representation of the child.

(c) non-employee requirement; compensation.

A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child.

(d) a person who otherwise qualifies to be a surrogate parent under this paragraph, is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent."

D.C. State Plan

"Those persons selected as surrogates shall:

(1) have no vested interest that conflicts with the interests of the child he/she represents,

(2) have the knowledge and skills necessary to ensure adequate representation of the child,

(3) not be an employee of either a State or other local (equivalent) public agency directly or indirectly responsible for the care, custody or education of the child, and

(4) be committed to personally and thoroughly acquaint themselves with the child and the child's educational needs."

Table 3

ROLE OF THE SURROGATE PARENT

A parent surrogate is a person appointed to represent the interests of a school aged child in the education program development and implementation process in the absence of an available parent/guardian/family member. PL 94-142 mandates that the surrogate have adequate knowledge and skills necessary to adequately represent the interests of the child.

Because of the many school aged residents (6-21) at Forest Haven who are in need of a parent surrogate, the Department of Human Resources has entered into a contract with Contemporary Associates, Inc., (CAI) to provide the surrogate service as needed. A pool of ten highly trained special education and psychology professionals has been identified to serve as surrogates as necessary.

When social workers identify residents who have no available parent/guardian/family member to represent the interest of a child in the education program development and implementation process, they will alert OPD of the need to appoint a surrogate. OPD will contact CAI who designates one of the professionals to serve as a surrogate for an individual resident.

It is the responsibility of the parent surrogate to represent the interests of a resident in the education program on a general basis. Specifically, however, it is the responsibility of the surrogate to become acquainted with the assigned child and his/her educational records and education program, plus to participate in education program planning conferences and reviews. When questions arise about the appropriateness of education programs, the surrogate has the right to request conferences with appropriate Forest Haven education staff. When questions remain unresolved, the surrogate has the right to initiate Due Process procedures and to represent the child in all hearings as appropriate.

Bibliography

Contemporary Associates, Inc. Surrogate Parent Manual

Quick, A., Little, T., Campbell, M. The Training of Exceptional Foster Parents: Enhancing Developmental Progress and Parent Effectiveness. California: Fearon Publishers, 1973.

State Office for Special Education. A Handbood for Parents and Guardians of Handicapped Children in the District of Columbia.

U. S. Office of Education. Federal Register, Vol. 42. Department of Health Education and Welfare, August 23, 1977.